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2001P15526US

PATENT APPLICATION
09/990,844

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REMARKS

This Application has been carefully reviewed in light of the Office Action mailed July 7, 2006. At the time of the Office Action, Claims 1-14 and 16-21 were pending in this Application. Claim 15 was previously canceled without prejudice. Claims 1-4 are allowed. Claims 5-7, 11-14, and 16-21 stand rejected. Claims 8-10 were objected to. Applicants amended Claims 13 and 19. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

The Examiner rejected Claims 11 and 12 under 35 U.S.C. 112, second paragraph, as being indefinite for lack of antecedent basis with respect to the phrase "said plurality of states." Applicant amended Claim 11 to read "a plurality of states" instead of the objected phrase.

Rejections under 35 U.S.C. § 102

Claims 5 and 11 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,751,775 issued to Chu et al. ("Chu"). Applicants respectfully traverse and submit the cited art does not constitute prior art.

The present application has a filing date of November 21, 2001. *Chu* has also a filing date of November 21, 2001. 35 U.S.C. 102(e) states:

(e) the invention was described in - (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language;

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35 U.S.C. 102(e) (emphasis added). Applicant respectfully submits that *Chu* was not filed before the present invention. Hence, *Chu* which also includes the same inventors and is assigned to the same assignee as the present application cannot be used as 102(e) prior art because it could not have been filed before the invention was made. Hence, independent Claim 5 is not anticipated by *Chu*.

Allowable Subject Matter

Claims 1-4 and 13-21 are allowed. The Examiner indicated that Claims 6-10 would be allowable if rewritten. However, as stated above, Applicant believes that all claims are allowable in view of the cited prior art. Claims 11 has been amended and, thus, Applicant believes that all claims are now allowable.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the claims as amended.

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Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 19-2179.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Anand Sethuraman at the number below.

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Respectfully submitted,



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